

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: January 21, 2004

Division: County Attorney

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**AGENDA ITEM WORDING:**

Approval of an ordinance amending Chapter 3, providing definitions for Feral Animal and Public Conservation Land; and for owners and managers of public lands to deliver feral animals to a not for profit sanctuary; and providing for adoption fees and conditions.

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**ITEM BACKGROUND:**

State Florida Fish and Wildlife Conservation Commission adopted in May, 2003 a policy to eradicate feral animals from State Lands. US Fish and Wildlife, in conjunction with State, has commenced a program of trapping feral cats and turning them over to County Shelters, in compliance with existing Code. This places undue burden (space and cost) to County Shelters and almost guarantees euthanasia will be applied when, with revision to ordinance, it can be allowed to deliver trapped feral cats to an animal sanctuary.

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**PREVIOUS RELEVANT BOCC ACTION:**

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**CONTRACT/AGREEMENT CHANGES:**

**STAFF RECOMMENDATIONS:**

Approval to advertise for ONE PUBLIC HEARING on February 18, 2004 in Key Largo.

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**TOTAL COST:**

**BUDGETED:** Yes No

**COST TO COUNTY:**

**Revenue Producing:**

**Amount Per Month - Year**

**APPROVED BY:** County Atty YES OMB/Purchasing N/A Risk Management N/A

**DIVISION DIRECTOR APPROVAL:**

  
J. R. COLLINS

**DOCUMENTATION:** Included X To Follow Not Required

**AGENDA ITEM #**                     

PIB

**ORDINANCE NO. - 2004**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING CHAPTER 3, MONROE COUNTY CODE, PROVIDING DEFINITIONS OF ANIMALS AND PUBLIC CONSERVATION LANDS; PROVIDING FOR CORRECTION OF A TYPOGRAPHICAL ERROR OF A FLORIDA STATUTE CITE; PROVIDING FOR OWNERS AND MANAGERS OF PUBLIC CONSERVATION LANDS TO DELIVER FERAL ANIMALS TO AN ANIMAL SANCTUARY; PROVIDING FOR ADOPTION FEES AND CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the operators of animal shelters under contract with Monroe County have encountered problems with animals adopted pursuant to the existing County Code provisions, primarily through adopters circumventing the requirements that the animal be sterilized and through subsequent negligent or return to the shelter; and

WHEREAS, it is desired to add to Sec. 3-15(3) additional requirements for the adoption of unclaimed animals; and

WHEREAS, it is desired to correct a typographical error of Florida Statutes section number regarding prosecution; and

WHEREAS, the Florida Fish and Wildlife Conservation Commission adopted a policy in May, 2003 to eradicate feral cats on State lands; and

WHEREAS, US Fish and Wildlife Service in conjunction with the Department of Agriculture has begun trapping feral cats within the Crocodile Lake National Wildlife Refuge in Key Largo and turning them into the Upper Keys Animal Shelter in accord with Sec. 3-10, Monroe County Code; and

WHEREAS, the full enforcement of the established policy to eradicate feral cats on public conservation land will place an inordinate burden on the animal shelters of the Florida Keys; and

WHEREAS, the Board of County Commissioners finds that the existence of feral cat colonies on public conservation land poses a serious treat to imperiled species, for which the appropriate agency should have some responsibility; now, therefore

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

Section 1. Sec. 3-2(ab), Monroe County Code, is hereby created to read:

(ab) *Feral animal* means an animal that has escaped from domestication or has been abandoned to the wild and has become wild, and the offspring of such animals.

(ac) *Public conservation land* means land managed by local, state or federal governments for conservation of natural resources, including wildlife, to ensure future generations can enjoy those resources.

Section 2. Sec. 3-10(1), Monroe County Code is amended to read:

(1) It is lawful for an property owner or tenant of residential or commercial property to seize in an humane manner any dog, cat or other animal running at large on his property in violation of section 3-7 of this chapter. Where such seizure is made, the property owner or tenant shall immediately deliver the animal to the department manager or his assistant. The property owner or tenant shall treat the animal humanely and shall exercise utmost care to ensure the animal's safety and well being.

Section 3. Sec. 3-10(1)(a), Monroe County Code is created to read:

(a) It is lawful for an owner or manager of public conservation land to seize in an humane manner any feral dog, cat or other animal running at large on the owner's property in violation of section 3-7 of this chapter. Where such seizure is made, the property owner or manager shall immediately deliver the animal to either the department manager (or assistant) or an animal sanctuary owned or operated by a not for profit organization. Delivery of the animal to the department manager shall require payment of \$100 per animal to cover the cost of providing shelter and sustenance, as well as any necessary veterinary treatment during the time period necessary to determine if the animal can be placed for adoption and to cover the cost of humane euthanasia should the animal prove to be unadoptable.

Section 4. Sec. 3-12(1)(b), Monroe County Code is amended to read:

(b) Impound the animal which is the subject of the violation and commence prosecution of the offense pursuant to Florida Statutes section ~~828.21(1)(f)~~ 828.27(1)(f).

Section 5. Sec. 3-15(3), Monroe County Code is amended to read:

(3) *Adoption of Unclaimed Animals.* ~~The fee for the adoption of an unclaimed animal shall be as adopted by the Board of County Commissioners plus the cost required by Florida Statutes to qualify the animal for adoption.~~  
The adoption of an unclaimed animal shall require the following:

(a) payment of a fee as established by resolution of the Board of County Commissioners, plus costs of such tests, vaccines and anthelmintics as are required by state statutes and the cost of any other procedure required by Florida Statutes to qualify the animal for adoption.

(b) any person wishing to adopt an animal shall sign an adoption agreement and pay the department manager for all necessary fees or may, at his/her option and expense secure the required tests, vaccinations,

anthelmintics, electronic animal identification devices and sterilization through a private veterinarian upon payment of a \$250 deposit. The deposit will be refunded when proof is shown that the new owner has complied with these requirements.

(c) if the animal becomes injured or sick while under the care of the adopter and new owner, that person shall be required to pay all necessary veterinary expenses. If the adopter does not pay for said treatment the animal must be relinquished to the department manager and the adopter/owner shall lose all rights and claims to the animal.

(d) all potential adopters must agree to relinquish the adopted dog or cat to its rightful owner after proof of ownership has been demonstrated within the first month after the adoption and the previous owner compensates the adopter for all expenses paid pursuant to subsections (a) through (c), above. Thereafter, the previous owner shall have no rights and claims to the animal due to said owner's neglect of said animal and failure to adhere to the laws and regulations prohibiting neglect and abuse.

Section 6. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 8. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 9. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Mayor Nelson  
Mayor Pro Tem Rice  
Commissioner McCoy  
Commissioner Neugent  
Commissioner Spehar

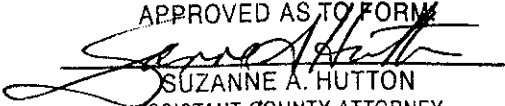
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(SEAL)  
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk  
Jordanimal4

By \_\_\_\_\_  
Mayor/Chairperson

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
  
SUZANNE A. HUTTON  
ASSISTANT COUNTY ATTORNEY  
Date 1/09/04